

JUDGE LEWIS REFUSES WRIT

Reuben Hoover May Dispose of
His Candy Store.

WIFE SUING FOR DIVORCE

RULE DAY CASES SUBJECT TO
CALL BY MARSHALL.

The application for a temporary restraining order was yesterday denied by Judge Thomas D. Lewis in the divorce case of Eureka Hoover against Reuben Hoover. The judge also denied the motion for temporary alimony and suit money. The defendant conducts a candy store at Murray, and when his wife brought suit for divorce on the grounds of cruelty she asked for an order restraining him from disposing of his business or any part of it. The wife also asks for \$20 per month permanent alimony.

The couple were married in Denver, Colo., on Feb. 13, 1894. For more than eight months prior to the commencement of the suit Mrs. Hoover asserts that her husband refused to provide for her, and that on May 10, 1903, at Murray, Mr. Hoover struck and beat her, blacking one of her eyes and causing her great bodily pain and mental anguish.

FEDERAL COURT RULE DAY.

Cases Subject to Call by Judge Marshall Next Monday.

The following list of cases is subject to call in the federal court on Monday, Feb. 1, that being rule day: Circuit court—U. S. A. vs. Knight; Evans-Snyder-Buel Co. vs. Associated Western Growers; California Packing Co. vs. Travelers' Insurance Co.; Provo City vs. Telluride P. & T. Co.; Stevens vs. McChesney; McFarlane vs. California Packing Co.; Fairbanks vs. California Packing Co.; Thorpe estate vs. Union Pacific Coal Co.; Toltec Ranch Co. vs. Utah Sugar Co.; Keen vs. Nipper; Clement vs. De Lamar; Farquhar vs. Union Pacific Coal Co.; Toltec Ranch Co. vs. C. P. Ry. Co.; U. S. A. vs. Meighan et al.; District court—Wood Grocer Co. vs. Matson; McKay vs. Perrin; Anderson Mercantile Co. vs. Peterson; in re Probasco; in re Connell; in re Huddleston; S. L. Saddlery vs. Bleak; Miller vs. Knepper; in re Sherman; in re Cook; in re Pope & Anderson.

Sues For \$20,000 Damages.

Joseph Churness has brought suit against the Highland Boy Gold Mining company to recover \$20,000 damages for injuries which, he says, have crippled him for life. The accident occurred on July 25, 1903. At that time Churness was at work in tunnel No. 5, when a portion of the roof and wall caved in on him. The injuries which Churness received, he says, will make him a cripple for life, inasmuch as the accident occurred through the alleged carelessness of the company, he wants compensation sufficient to keep him from want the remainder of his life.

Jensen Receives Six Months.

Lawrence L. Jensen was arraigned before Judge James W. Morse in the criminal division of the district court yesterday on an information charging him with a statutory offense, and was sentenced to six months in the Utah state penitentiary for the same. When arraigned Jensen entered a plea of guilty. Waving the time for sentence, the judge at once committed him. He was arrested on Jan. 6, and since then has been in the county jail in default of \$250 bail to answer to the district court.

District Court Notes.

Judge Samuel W. Stewart has continued all law and motion matters in his division until Saturday, Feb. 6.

The suit of Kate Stevenson against the Consolidated Railway & Power company, for \$10,150 personal injuries, was yesterday dismissed by Judge Samuel W. Stewart at plaintiff's costs. The woman claimed she was injured while attempting to get on a car at the corner of Second South and State streets.

Arguments on motion for judgment of non-suit in the personal damage suit of Joseph Farley against the Rio Grande Western road, were heard yesterday by Judge Samuel W. Stewart and taken under advisement.

The damage suits of Alexander Stofel and Irene Kelly against the Consolidated Railway & Power company, which have been continued by Judge Samuel W. Stewart until the next setting of cases.

The order to show cause in the divorce case of Peter L. Bertrum against Eliza Bertrum was continued by Judge William C. Hall in the probate division of the district court until March 25.

Further hearing in the damage suit of two brothers, Frank H. Ruff and Orson W. Rudy, in which the former asks damages, in part, for a chastisement administered by the latter in a quarrel at the grazing of some sheep upon his land, has been continued.

A CONVERSATION WITH A CLIMAX

When a Professional Man Talks, It's to the Point.

Several famous American physicians and surgeons were recently dining together after a session of a national meeting held in New York. "I had a remarkable case this winter," remarked a surgeon present, whose name as a specialist in rectal diseases is world wide. "My patient was a woman, a delicate, nervous creature, who had been afflicted for years by the ravages of hemorrhoids, from the knife seemed the only solution of the trouble, and yet her heart was weak and her strength so wasted, that this fearful disease, which we dared not operate."

"I had ceased my visits to her for a time and had given up all hope, when one morning I found my office looking like a new woman; the pallor had disappeared and the lines of suffering were nearly eradicated from her face. She told me she had bought at a drug store for 50 cents a proprietary medicine in suppository form called Pyramid Pile Cure, and had obtained instant relief from the first insertion. I made an examination and found the rectum in excellent condition, the inflammation entirely disappeared and the swollen veins in normal condition. "I was so interested in the case that I had the remedy analyzed carefully and was so pleased with the result of the analysis, finding a combination of the most healing and scientific remedies present in the Pyramid Pile Cure and in a more convenient form than I could secure them otherwise, that I wrote to the Pyramid Drug company at Marshall, Mich., asking for their booklet on Piles, their Nature, Cause and Cure (which, by the way, is sent free), and have since used their Pile Cure extensively and with best results in my practice. I do not hesitate to recommend it to you all. It will often save your patient from a painful surgical operation which in many cases results fatally."

continued by Judge William C. Hall until Wednesday, Feb. 2.

Judge Thomas D. Lewis yesterday overruled the motion for a new trial in the case of H. Hyman against Judge Morris Sommer.

Christiana May Tyler was yesterday granted a divorce by Judge Thomas D. Lewis from Charles M. Tyler. Judgment in the sum of \$110.00 was yesterday granted against the sureties of J. B. Jensen and G. A. McIntosh in the suit of William Phillips against Acme Mining Machinery company et al. The suit was brought to recover for services performed as operator of a well borer.

Judge Thomas D. Lewis of the fourth division of the district court has taken a recess until Saturday, Feb. 6.

In the criminal division of the district court yesterday, District Attorney Dennis C. Eberhart dismissed the cases against Chas. Leonard and Ruby Howe, charged with a statutory offense, because there was an insufficiency of evidence. The defendants were released.

The case of Frank Ewing, charged with assault with a deadly weapon with intent to commit bodily harm, has been set for Tuesday, Feb. 2.

Judge Charles W. Morse, upon his own motion, yesterday set the trial of the Nash divorce suit for Feb. 19.

ARRANGING FOR A DISPLAY.

Board of Education Talks Fair Exhibit and Awards Diplomas.

Plans providing for an exceptionally fine educational display at the Louisiana Purchase exposition and the awarding of certificates and diplomas, occupied the third and afternoon of the special meeting of the state board of education. It was held yesterday morning in the office of A. C. Nelson, state superintendent of public instruction, in the city and county building. There was a full attendance of members.

The consensus of opinion was that the state board should make as elaborate display as it can. Just what proportions it will assume cannot be told at this time, as the members of the board do not know how much money it will have to work with. For the purpose of ascertaining that fact, and acquiring any additional information which may be forthcoming, the board will meet with the Utah commission Thursday afternoon at 2 o'clock. The meeting will be held in the office of Governor H. M. Wells. The board will meet with the Utah commission Thursday afternoon at 2 o'clock. The meeting will be held in the office of Governor H. M. Wells. The board will meet with the Utah commission Thursday afternoon at 2 o'clock. The meeting will be held in the office of Governor H. M. Wells.

The following diplomas and certificates were issued:

High school diploma—L. A. Ostien, Agricultural college; A. N. Merrill, St. George.

Temporary high school certificate—L. E. Eggertson, Springville.

State certificate—Miss Etta Powers, Salt Lake City.

Grammar grade certificate—J. H. Combs, Salt Lake City.

Grammar grade diploma—Superintendent William Rawlins, Provo.

DEATHS AND BIRTHS LESS.

Statistical Report of the City Board of Health.

The report of the board of health for the week ending Jan. 29, shows a decrease of two deaths as compared with the preceding week, fourteen males and seventeen females having been reported. Of deaths for the same period, five of which resulted from pneumonia, seventeen were reported, nine males and eight females, as against fourteen for the week before.

Two cases of scarlet fever were reported during the week and one case was discharged, leaving four cases quarantined as compared with three for the previous week. One new case of diphtheria developed during the week and one was discharged, leaving four cases in detention, the same number as the preceding week.

One new case of smallpox developed during the week and one case was discharged, leaving ten cases in quarantine, the same number as the preceding week.

Two cases of whooping cough, making a total of twelve cases of whooping cough under quarantine restrictions.

UNIQUE SESSION.

Maryland Legislature Deadlocked Over a Senator.

Annapolis, Md., Jan. 30.—Today's session of the Maryland senate was probably the most unique in its history. The body was called to order by the regular manner by President Jones when the hour for meeting arrived, he being the only senator present. The members in the chamber were Secretary Moss, Thomas J. McNeir, messenger to the president, who acted in various capacities; Chaplain Mills, two newspaper men and one spectator.

After McNeir had called the roll and announced the lack of a quorum, he was constituted as sergeant-at-arms and sent for the absent senators. His report was that none could be found. No business was therefore attempted.

About noon Delegates Collins and Williams arrived and escorted the senators in the person of President Jones to the house of delegates' chamber, there to ballot as required by the statutes of the United States for a United States senator. The speaker then developed the fact that only six delegates were present, the speaker announced that owing to the lack of a quorum there would be no action by the election of a senator. Thereupon the joint assembly was adjourned on motion of Delegate Duvall. The session of the senate having resumed, President Jones announced the adjournment of that body until Monday. The balloting for United States senator will be resumed next Tuesday.

MOTORS FOR STEAM.

New York Central Railroad Reconstruction Plans.

New York, Jan. 30.—Plans have been made for the entire reconstruction of the New York Central roadbed for a distance of thirty-five miles from the city northward and the elimination of all grade crossings on the Hudson River and Harlem divisions. These have been submitted to the local authorities of Konkers, Mount Vernon, Irvington, Tarrytown and Cistening. The local and the township authorities between the Harlem division are also considering plans for the several sections of the roadbed passing through their territory.

As soon as the necessary consents and agreements of the several local and county officials are obtained the work of reconstruction will begin which will include the laying of an electrical third rail system over underground streets, roads and highways not crossed at grade.

Two immense power houses equipped with steam turbines, one at Yonkers and one at Port Morris, will supply the motive force for the electrical engines which will take the place of steam power.

The cost of abolishing grade crossings is to be borne under the law, one half by the railroad, one quarter by the state and one quarter by the locality affected.

METEOROLOGICAL REPORT.

Yesterday's Record at the Local Office of the Weather Bureau.

Maximum temperature, 35 degrees; minimum temperature, 16 degrees; mean temperature, 25 degrees, which is 5 degrees below the normal. Accumulated deficiency of temperature since the first of the month, 72 degrees. Precipitation from 8 a. m. to 6 p. m., none. Accumulated excess of precipitation since the first of the month, 45 in.

PREPARING TO REDEEM BONDS

First Installment Drawn For
1892 Issue.

\$25,000 IN SPECIAL FUND

STATE LOAN COMMISSION ONE
YEAR BEHIND.

The state board of loan commissioners, which is composed of the governor, secretary of state and attorney general, took the first steps yesterday looking to the redemption of \$250,000 worth of bonds issued in 1892, and being payable in 1912. They were issued, according to a special act of the territorial legislature, on July 1, 1892, and fall due July 1, 1912, twenty years later. They draw 5 per cent interest.

The bonds were issued by the legislature for the construction of state educational institutions. It provided that ten years from that date, and each subsequent year, \$25,000 should be taken from the general appropriation fund and placed in a special sinking fund for the redemption of the bonds when they fell due. For some reason \$25,000 was not placed in that fund last year. The first warrant will now be drawn, and later this year another, to make up for the installment which was neglected in 1903.

Put in Special Fund.

The money taken from the general fund of the state and placed in the sinking fund will be loaned out in accordance with the act authorizing the issuance of the \$250,000 worth of bonds, and invested in either state, municipal or school district bonds, where they will earn the same interest as the bonds of the state.

There was some doubt in the minds of the members of the commission as to who should draw the warrant, as no provision for that duty was made in the act. State Auditor Charles S. Tingley wrote the act and suggested that it has the right to lend the money after it has been placed in the sinking fund. It unquestionably has the right to order the issuance of the warrant, and according to the act, the board at its meeting yesterday passed a resolution authorizing the issuance of the warrant, which the state auditor will execute.

On July 1, 1912, if \$25,000 is placed in the sinking or redemption fund each year, the state will have on hand the \$250,000 necessary to redeem the bonds issued during the last thirty days. The bonds are now said to be held by E. Rollins & Son.

FIRE LOSS AT MERCUR

Opera House and Other Buildings
Destroyed—Defective
Flue Was the Cause.

Mercur, Jan. 30.—A defective flue in the opera house caused a \$10,000 blaze this place early this morning. The most heroic efforts on the part of the firemen and citizens prevented the flames from wiping out the entire business district as it did about two years ago, when Mercur was totally destroyed by a conflagration. The buildings destroyed are the opera house, Union restaurant, Omaha butcher shop, Opera House bar, Pick's stationery store, Farley's barber shop and six residences.

The blaze was discovered about 5 o'clock this morning by an Italian who was passing the opera house. He noticed smoke issuing from the building and at once turned in an alarm.

When the fire department arrived it was seen that the opera house was doomed, so the firemen assisted by citizens directed their efforts toward preventing the spread of the blaze. After about five hours of hard labor they succeeded in placing the fire under control, but not until the property mentioned had been destroyed.

The losses and insurance are about as follows: Opera house \$5,000, insurance \$2,000; Omaha butcher shop \$1,000, no insurance; Pick's stationery \$1,500, insurance \$500; Farley's barber shop \$2,000, insurance \$500; telephone office \$50. The Union restaurant and a Chinese laundry were not insured.

DEATH WINS RACE.

New York Man's Futile Effort to
Marry on Death Bed.

New York, Jan. 30.—Robert Dupont Cater of Charleston, S. C., son of Julius M. Cater and grand nephew of General Francis Marion of revolutionary fame, is dead in this city from pneumonia. An attempt was made to perform a marriage ceremony in the hospital between the young man and his second cousin, Anna Cater, an 18 student, but before the minister had gone far the groom fainted. Oxygen was used and every effort made to restore the dying man, but his last wish could not be gratified, but he sank rapidly and died in a few hours.

Cater came here two years ago to cure in newspaper work. His cousin with her sister was studying art here and plans had all been made for the wedding when Cater was stricken.

His body will be shipped to Charleston.

A CAPTAIN'S PLAIN.

Washington, Jan. 30.—Captain George A. Ames, U. S. A., retired, has addressed a letter to the president charging an unjust treatment at the hands of the military authorities. He asserts that important documents bearing on his record have mysteriously disappeared from the office of the adjutant general.

TREE TEA IS SOLD ON ITS MERITS. FULL WEIGHT AND FULL VALUE.

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PLAY POLITICS IN THE HOUSE

Representatives Will Go Easy
on River and Harbor Grant.

DEFENSE IN MACHEN CASE

PESKY ATTACHES HUMBLE THE
PRIDE OF JUDGES.

(Special to The Herald.)

Washington, Jan. 30.—As already announced, there will be no "pork bill" issue from the committee on rivers and harbors of the house and to be approved by the committee on commerce of the senate. The reason advanced by the committee apologetically to the yearning statesmen who desired appropriations was that there is remaining of the last bill the sum of \$100,000,000, and that \$300,000 will be made available by the sundry civil appropriation bill at this session. But the real reason is that on the eve of a national campaign and the election of a house it would be poor political policy to take money for a purpose which, to a greater portion of the people of the country, has always been considered unnecessary. However, the committee will continue hearings on "meritorious projects" and will assemble a month in advance of the meeting of congress next December, and prepare a comprehensive river and harbor bill which, according to expectations based on the plans of the committee, will exceed in amount the money made available by any bill ever reported.

The river and harbor bill passed during the Fifty-seventh congress carried the enormous sum of \$68,000,000, and authorized projects under the continuing contract system which brought the amount up to almost \$100,000,000. In this connection it may be noted that the members of both branches of congress who have secured the fastest items in these bills are those who have always opposed irrigation legislation and this fact has always been peculiarly aggravating to western members who have been in the fight for money to reclaim the arid lands and who at last on succeeded in getting money through the sale of lands in the states to be benefited. And in this case the government, only acts as bookkeeper for the irrigation projects under the irrigation act will be returned eventually with a profit.

Defense of Machen.

"Don't worry, August, my boy; it won't be long before we will have our inning, and then you will again be a free citizen."

One of the venerable Judge Krummel of Ohio, associate counsel in the Machen conspiracy case, used these words in the crowded court room one day last week after adjournment, they seemed to possess more significance than would ordinarily attach to words of encouragement from a lawyer to a client. Judge Krummel is the counsel for the Lorenzes, but incidentally represents all the defendants when necessary in the course of the trial, as do the other counsel in the case of the five persons indicted. A person connected with the trial of the case is authority for the statement that Machen's defense is perfect and, when outlined and presented to the jury, all the money transactions on the part of the defendants will be conclusively proven that the parties were in collusion, will be fully explained.

One noticed feature connected with the case, and particularly noticeable to a lawyer, has been that the counsel for the defendants have allowed without objection the admission of checks, drafts and other evidence of money transactions which had no bearing whatever on the particular transactions upon which the government is basing its case. This seeming difference on the part of counsel to this testimony being spread before the jury is said to have special significance, and when the defense opens, will be perfectly clear.

The generally prevalent opinion in Washington early in the trial, that the five indicted would be convicted, seems to have been dispelled, and it is freely stated here by conservative men that all will be acquitted. However, this is a prophecy probably of a great extent, but one thing is sure, the defense is preparing some surprise.

Official Properties.

The recent incident at the White House, when the diplomats preceded the justices of the United States supreme court, is causing considerable amusement, but to the people of Washington who come into contact with the diplomats, attaches, etc., the feelings of the world old men of the highest judicial tribunal of the world can to an extent be understood.

The average diplomat and his attaches are about as unpromising and as unimpressive as contracted. Once the system is tainted with it, the disease may manifest itself in the form of Scrofula, Eczema, Rheumatic Pains, Stiff or Swollen Joints, Eruptions or Copper Colored Spots on the Face or Body, Little Ulcers in the Mouth or on the Tongue, Sore Throat, Swollen Tonsils, Falling out of Hair or Eyebrows, and finally a Leprosy Decay of the Flesh and Bones. If you have any of these or similar symptoms, get BROWN'S BLOOD CURE immediately. This treatment is practically the result of life work. It contains no dangerous drugs or injurious medicines of any kind. It goes to the very bottom of the disease and forces out every particle of impurity. Soon every sign and symptom disappears completely and forever. The blood, the tissue, the flesh, the bones and the whole system are cleansed, purified and restored to perfect health, and the patient prepared anew for the duties and pleasures of life. BROWN'S BLOOD CURE, \$2.00 a bottle, lasts one month. MADE BY DR. BROWN, 335 Arch Street, Philadelphia.

Sold only by F. C. Schramm, corner Main and First South Streets.

STEPS OUT FOR PEACE.

Topeka, Kan., Jan. 30.—Governor W. J. Bailey today issued a statement withdrawing the gubernatorial candidacy, stating, he says, "because it is apparent that the bitter factional fight that is now going on in the Republican party in Kansas is a menace to Republican success."

Does your face pain you?

Does your face pain you?

Because we were prepared for just such an emergency with quarter and half-pint hot water bags in rubber, or rubber covered with flannel. We have also extra covers of elderdown for your comfort and relief.

SCHRAMM'S Where the Cars Stop.

SCHRAMM'S Where the Cars Stop.

Call Up...

Any bank in town and ask them how much interest they'll pay for your money; then remember we can pay you 5 per cent and guarantee you against all risk of loss. We are a co-operative bank with a guarantee fund of \$100,000.00. That is the reason.

We have \$2.00 of security for every dollar invested. We are under the supervision of the State Bank Examiner of Utah. We would be pleased to open an account with you. Deposits received by mail. Established 1902.

Western Loan & Savings Company

49 E. First South St.

A. H. ADKISON, Cashier. P. W. MADSEN, President.

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